

This guide describes the laws that schools are required to follow when they suspend a student for a code of conduct violation. The sections list the requirements schools must follow before suspending a student. If the school didn't follow all of the requirements, then each section also includes language **(in bold)** that you can copy and paste into the "brief statement of concerns" section of your PRS complaint, as well as instructions about what other information you should include.

The school can't exclude a student from school for more than 90 days during a school year for code of conduct violations. If the school is trying to suspend a student who has already missed 90 days due to suspensions during the school year, or the school is trying to expel a student for breaking a school rule (other than bringing a weapon or drugs to school, or assaulting school staff), call the EdLaw Project intake line at 617-910-5829. If the school is trying to expel a student for bringing a weapon or drugs to school or assaulting school staff, go to our expellable offenses guide [here](#).

This guide is intended to be a tool to help families fill out a PRS complaint. It is not legal advice and we cannot guarantee a particular outcome. It is also possible that your specific situation may not fit neatly into the information provided in the guide. If you have questions about the guide or are still unsure about how to fill out the PRS form after looking at the guide, call the EdLaw Project intake line at 617-910-5829.

The guide includes the sections listed below; you should look through all of the sections that apply to your concerns when you're filling out the complaint.

Notice of a Suspension Hearing

The school is required to communicate with you (or the parent/guardian, if the parent/guardian isn't filling out the complaint) when they are thinking about suspending a student. Fill out the [Notice of a Suspension Hearing](#) section if you have concerns about the school's communication about a suspension hearing.

Hearing Before a Suspension

Before deciding whether to suspend a student, the school principal has to give the student an opportunity to present their side of the story during a meeting called a 'hearing.' If you have concerns about the school not providing a hearing, not telling you about the hearing, or not conducting the hearing the right way, fill out the [Hearing Before a Suspension](#) section.

Notice of a Hearing Decision

After a suspension hearing, the school has to send the parent/guardian a written decision with information about the suspension (if they decided to suspend the student). Fill out the

[Notice of a Hearing Decision](#) section if you have concerns about the school’s communication after a suspension hearing.

Student’s Rights During a Short-Term Suspension

Students have the right to complete work and continue their education while they are suspended or expelled. If you have concerns about the student falling behind while they are/were out of the classroom, and the student was suspended for 10 days or less, fill out the [Student’s Rights During a Short-Term Suspension](#) section.

Student’s Rights During a Long-Term Suspension

Students have additional rights when they are suspended for longer than 10 days or expelled. If you have concerns about the resources that the school provided to the student while they are/were out of the classroom, and they were suspended longer than 10 days or expelled, fill out the [Student’s Rights During a Long-Term Suspension](#) section.

Notice of a Suspension Hearing

1. The school must provide you with Notice of a Suspension Hearing:

The school principal has to tell you (or the parent/guardian, if the parent/guardian isn’t filling out the complaint) when they are thinking about suspending the student. The communication with you about the potential suspension is called “notice.” Below is the list of steps the school must take before holding a suspension hearing, check off everything the school did:

- The school has to give oral notice to the parent/guardian, meaning they have to speak with you over the phone or in person.
- The school also has to give written notice to the parent/guardian, meaning they have to send a letter or email.
- The letter or email has to be sent in English and in your primary language, if your primary language isn’t English.

If any of the boxes are unchecked then the school didn’t follow all of the requirements, and you should include the following language in the “Brief Statement of Concerns” section of your complaint: **“The School District did not properly communicate with the student and the student’s parent/guardian regarding the student’s discipline, and is therefore in violation of 603 CMR 53.06.”** Then describe what requirement(s) the school didn’t follow.

2. The Notice must include specific information about the hearing:

The school is required to include certain information in the notice. If you have a copy of anything the school sent with information about the discipline, it might be helpful to look at that while going through the next section. The letter or email has to include everything listed below, check off what was included:

- The rule that the school is saying the student broke.
- Why the school is saying that the student broke the rule (for example, a teacher reported the violation).
- How long the student may be suspended for, if the principal does decide to suspend the student.
- The student's rights, including:
 - The right to a meeting (called a hearing) with the principal to talk about the proposed suspension, where the student is able to tell their side of the story.
 - The date, time, and location of the meeting.
 - The right for you (or the parent/guardian, if the parent/guardian isn't filling out this complaint) to attend the meeting.
 - The right to have an interpreter at the meeting, if you or the student needs one.

If any of the boxes are unchecked, then the school didn't include everything required in the notice and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"The School District did not include the required information in the notice of the student's suspension, pursuant to 603 CMR 53.06(2),"** and then list what was missing. If you received an email or a letter, attach it to the complaint so the hearing officer can see what was missing.

If there was a possibility that the student would be suspended for more than 10 days, there are additional requirements for the hearing and the school must tell you about the additional rights. Below is a list of the additional rights the school must tell you about, check off everything the school did tell you about:

- The right to review the student's school record, and to see any other documents that the principal is going to look at to decide whether to suspend the student.
- The right to have a lawyer or another advocate at the meeting, if the family pays for it.
- The right to have other people come to the hearing, if they saw what happened and can support the student's version of the story.
- The right to ask questions of anyone presenting the school's version of the story at the hearing.
- The right to have the hearing recorded and to get a copy of the audio recording after

the hearing.

- The right to appeal the principal's decision to the superintendent.

If any of the boxes are unchecked, then the school didn't tell you everything they should have and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"The School District failed to notify the parent/guardian of the additional rights due to the student when the school was contemplating issuing a long-term suspension, pursuant to 603 CMR 53.06(2)(g)."** Then list which rights they didn't tell you about. If you received an email or a letter, attach it to the complaint so the hearing officer can see what was missing.

If you would like to read the full text of the law that was relied upon to create this section of the guide, it can be found [here](#).

Hearing Before a Suspension

1. There must be a hearing before a student can be suspended:

Before deciding whether to suspend a student, the school principal has to give the student an opportunity to present their side of the story during a meeting called a 'hearing.' The principal has to consider the information presented at the hearing when they decide whether to suspend the student.

If the principal did not have a hearing before deciding to suspend the student, even if the suspension was just for one day, you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"the Principal failed to hold a hearing with the student before issuing a suspension, as required by CMR 53.08(2)."** If you requested a meeting in a letter, email, or text message, attach your request to the complaint.

The school has to tell you about the hearing. If they didn't tell you about the hearing, or you have concerns that they didn't provide enough information, also look at the [Notice of a Suspension Hearing](#) section of this guide to determine if they followed the laws relating to communicating with you about the suspension.

2. What must happen during the hearing for a short term suspension (less than 10 days cumulatively):

During the hearing, the principal has to do everything listed below. Check off everything the

principal did:

- Talk about why the student is being disciplined and explain what the school is saying happened.
- Tell the student what rule the school is saying that they broke.
- Tell the student why the school is saying that the student broke the rule (for example, a teacher reported the violation).
- Give the student the opportunity to tell their side of the story, and to explain anything else that was happening at the time of the incident that they feel the principal should consider.
- Give you (or the parent/guardian, if the parent/guardian isn't filling out this complaint) the opportunity to offer any other information that they feel the principal should consider, if you were at the meeting.

If any of the boxes are unchecked, the principal didn't follow the requirements for the hearing, and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"the principal failed to hold an appropriate hearing before issuing a suspension, as required by CMR 53.08(2),"** and then explain what happened at the hearing.

3. What must happen during a hearing for a long term suspension (more than 10 days cumulatively).

The student has additional rights before, during, and after the hearing if there is a possibility that the principal will decide to suspend the student for more than 10 days.

If the principal considered suspending the student for more than 10 days, or if the student has been suspended for more than 10 days for multiple incidents in a single school year, the student has the additional rights listed below. Check off everything the student was able to do before/during the hearing:

- Review their school record before the hearing, and see any other documents that the principal will look at to decide whether to suspend the student.
- Have a lawyer or another advocate at the meeting, if their family pays for it.
- Have other people come to the hearing, if they saw what happened and can support the student's version of the story.
- Ask questions of anyone presenting the school's version of the story at the hearing.
- Have the hearing recorded, and to get a copy of the recording after the hearing.

If any of the boxes are unchecked, the school didn't allow the student to do everything they are entitled to do, and you should include the following language in the "Brief Statement of

Concerns” section of your complaint: **“the principal did not afford the student the rights required by CMR 53.08(3) when deciding whether to issue a long term suspension.”** Then describe what happened at the hearing/what rights were violated.

If you would like to read the full text of the law that was relied upon to create this section of the guide, it can be found [here](#).

Notice of a Hearing Decision

1. The school must provide notice of the decision following the hearing:

After a suspension hearing, the school has to tell you what they decided. Their communication with you about the hearing decision is called “notice.” The requirements for the notice are listed below, check off everything that the school did:

- They have to tell you in writing (email or letter), not just over the phone or in-person.
- The email or letter has to explain why they made the decision that they did.
- If the student is suspended, the email or letter has to tell you:
 - How many days the suspension will be,
 - If it will be an in-school or out-of-school suspension, and
 - That the student has the right to make up work while they are out of the classroom.

If any of the boxes are unchecked, the principal didn’t follow the notice requirements and you should include the following language in the “Brief Statement of Concerns” section of your complaint: **“the principal did not provide notice to the student and the parent/guardian of their determination following the suspension hearing, as required by CMR 53.08(2).”**

2. The school must provide more information if the student is suspended for more than 10 days.

The school has to include additional information in the letter or email if the student was suspended for longer than 10 days, or if the student has been suspended for more than 10 days for multiple incidents in a single school year. If you have a copy of the principal’s decision, it might be helpful to look at it while you go through this section. The requirements are listed below, check off everything that was included in the email or letter:

- The rule that the school said the student broke, and how the principal decided that

the student did actually break the rule.

- The date that the hearing happened,
- Who participated in the hearing,
- How many days the suspension will be, when the suspension will start, and when the student can return to school,
- That the student can make up work and receive services to continue their education while they're out of the classroom.

If any of the boxes are unchecked, then the notice didn't include all of the required information and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"the principal failed to send an appropriate written determination of their decision following a long-term suspension hearing, pursuant to CMR 53.08(3),"** and then list what was missing. If you have a copy of the principal's decision attach it to the complaint so the hearing officer can see what was missing.

3. If the student is being suspended for more than 10 days cumulatively, the school must tell the student about the right to appeal:

If the student is suspended for more than 10 days, or if the student has been suspended for more than 10 days for multiple incidents in a single school year, then the student has the right to appeal the principal's decision to the Superintendent. The school has to follow additional requirements to make sure the student can access the right to appeal the decision. These are the steps the school has to take, check off everything the school did:

- After the hearing, the school has to tell the student in writing (letter or email) that they have the right to appeal the decision, and how to appeal the decision if they decide to.
- The letter or email has to tell the student that they only have 5 days from the start of the suspension to file the appeal.
- They have to send the letter or email in English and the primary language of the home, if it isn't English.

If any of the boxes are unchecked, the school didn't include all of the required information in the notice and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"the principal failed to provide appropriate written notice of the student's right to appeal the principal's decision following a long-term suspension hearing, pursuant to CMR 53.08(3)."** If you didn't get to appeal the decision because you didn't know that you could, include that information in your complaint.

Student's Rights During a Short-Term Suspension

If a student is suspended for **10 days or less**, the school is required to do everything listed below. Check off everything the school did:

- Allow the student to complete all of their assignments (including homework, quizzes, exams, papers, projects, and any other work they missed) while they were suspended.
- Give the student credit for all of the work that they completed while they were suspended.
- Provide support to the student so that they are able to complete assignments and make up tests while they are out of the classroom.

If any of the boxes are unchecked, the school didn't provide the student with all of the rights they're entitled to and you should include the following language in the "Brief Statement of Concerns" section of your complaint: **"The School District failed to give the student the opportunity to make up missed assignments, projects, exams, or other schoolwork, and to make academic progress pursuant to MGL c76 s21."** Then describe what happened. If you have any written communication with the school (emails, letters, text messages) where they refused to do any of the things described above, include those as an attachment (or a picture of the text message as an attachment) with the complaint.

If you would like to read the full text of the law that was relied upon to create this section of the guide, it can be found [here](#).

Student's Rights During a Long-Term Suspension

If a student is suspended for **more than 10 days**, the school is required to communicate with you about the student's right to access education services. Check off everything the school did:

- Tell you (or the parent/guardian, if the parent/guardian is not filling out the complaint) that the student is able to receive education services while they are out of school.
- Send the information in English and in your primary language, if it's not English.

If either of the boxes are unchecked, the school didn't follow the requirements for

communication about a long-term suspension and you should include the following language in the “Brief Statement of Concerns” section of your complaint: **“the School District failed to give proper notice to the student or parent/guardian about the opportunity to make academic progress during the period of their removal from the classroom pursuant to 603 CMR 53.13(4).”** Then describe what happened.

The school is also required to do everything listed below, check off everything the school did:

- Allow the student to complete all of their assignments (including homework, quizzes, exams, papers, projects, and any other work they missed) while they were suspended.
- Give the student credit for all of the work that they completed while they were suspended.
- Provide support to the student so that they are able to make up tests and assignments that they miss while they are out of the classroom.

If any of the boxes are unchecked, the school didn’t follow the requirements for allowing the student to make academic progress during a long-term suspension, and you should include the following language in the “Brief Statement of Concerns” section of your complaint: **“The School District failed to give the student the opportunity to make up missed assignments, projects, exams, or other schoolwork, and to make academic progress pursuant to MGL c76 s21.”** Then describe what happened. If you have any written communication with the school (emails, letters, text messages) where they refused to do any of the things described above, include those as an attachment with the complaint.

The school also has to follow the requirements listed below, check off everything the school did:

- Provide the student with at least two options for alternative education services, to help them continue their education while they are out of the classroom. The options may include services like tutoring, placement at a different school, Saturday school, or online learning.
- If you or the student chooses one of the options, the school has to make sure that the student is able to enroll in the service that they choose.

If any of the boxes are unchecked, the school didn’t follow the requirements for allowing the student to make academic progress during a long-term suspension, and you should include the following language in the “Brief Statement of Concerns” section of your complaint: **“the School District failed to properly provide and/or implement an alternative education plan for the student pursuant to MGL c76 s21.”** Then describe what happened.

If you would like to read the full text of the law that was relied upon to create this section of the guide, it can be found [here](#).